

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GERARDO MIGUEL BAEZ DURAN AND WILSON
FRANCISCO SANCHEZ CRUZ, individually and on
behalf of others similarly situated,

Plaintiffs

-v-

E L G PARKING INC. d/b/a E L G PARKING
INC., et al.,

Defendants.

CIVIL ACTION NO.: 18 Civ. 6685 (GBD) (SLC)

ORDER TO SHOW CAUSE

SARAH L. CAVE, United States Magistrate Judge.

On January 6, 2022, Defendants, through counsel E. Dubois Raynor, Jr., requested a settlement conference with the Court. (ECF No. 111). The Court granted Defendants' application, and scheduled a telephone conference today, February 17, 2022 (the "Telephone Conference"). (ECF No. 112). Defendants failed to appear at the Telephone Conference.

This was not Defendants' first failure to appear at a conference in this action. Defendants also failed to appear at the previous November 10, 2021 telephone conference (the "November 10 Conference"). (ECF No. 108; see ECF No. 110). Plaintiffs also failed to appear at the November 10 Conference, but apologized for their absence, which was attributed to "recently installed computer software which altered the time." (ECF No. 109). To date, Defendants have not addressed their failure to appear at the November 10 Conference.

The Court also notes that Defendants failed to appear at the October 1, 2020 telephone conference in this action. (See ECF Minute Entry Oct. 1, 2020).

Defendants are hereby ordered to show cause why (i) they have failed, without explanation, to appear at two recent telephone conferences, and (ii) why the Court should not direct that Certificates of Default be entered against Defendants for their failure to continue to appear and defend in this action. **Defendants' showing shall be made by declaration** filed on or before **Thursday, February 24, 2022**.

DEFENDANTS ARE WARNED THAT THE FAILURE TO RESPOND TO THIS ORDER TO SHOW CAUSE BY FEBRUARY 24, 2022 WILL RESULT IN THE COURT ENTERING AN ORDER DIRECTING THE CLERK OF THE COURT TO ENTER CERTIFICATES OF DEFAULT, PERMITTING PLAINTIFFS TO FILE A MOTION FOR A DEFAULT JUDGMENT AGAINST DEFENDANTS, AND ORDERING OTHER SANCTIONS FOR FAILURE TO APPEAR, INCLUDING AN AWARD OF COSTS.

Dated: New York, New York
February 17, 2022

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge